

STEVEN G. KALAR
Federal Public Defender
ELIZABETH M. FALK
Assistant Federal Public Defender
19th Floor Federal Building
450 Golden Gate Avenue
San Francisco, CA 94102
(415) 436-7700

Counsel for Defendant STEWART

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 15-502 WHA
)	
Plaintiff,)	
)	
v.)	STIPULATION AND PROPOSED
)	ORDER EXCLUDING TIME UNDER 18
RICHARD STEWART,)	U.S.C. § 3161
)	
Defendant.)	

The United States of America, by and through its attorney of record, and the above-captioned defendant, Richard Stewart, by and through his attorney of record, hereby stipulate:

1. Defense counsel is unavailable at the date and time of the currently scheduled hearing due to *Daubert* hearings recently scheduled in *U.S. v. Ryan Chamberlain*, CR No. 14-316. These hearings are scheduled for February 5th and February 8th in front of Judge Chhabria in anticipation of a month long trial.
2. Due to defense counsel's need to prepare for these *Daubert* hearings, she cannot effectively prepare Mr. Stewart to change his plea.
3. The parties concur that granting the exclusion would allow the reasonable time necessary for effective preparation of counsel and continuity of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting such an exclusion of time for the purposes of effective preparation/continuity of counsel outweigh the

1 best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

2 Accordingly, due to the reasons stated above, the parties jointly move to continue the status
3 hearing from February 9, 2016 at 2:00 p.m. to February 23, 2016 at 2:00 p.m.

4 SO STIPULATED:

5 BRIAN STRETCH
6 Acting United States Attorney

8 DATED: February 4, 2016

9 /s/
SHAILIKA KOTIYA
Assistant United States Attorneys

11 DATED: February 4, 2016


12 /s/
ELIZABETH FALK
Attorney for Defendant Richard Stewart

13
14
15 ~~PROPOSED~~ ORDER

16 For the reasons stated above the Court hereby CONTINUES the status hearing in the
17 aforementioned case from February 9, 2016 to February 23, 2016 at 2:00 p.m. The Court further
18 finds that the exclusion from the time limits of this period applicable under 18 U.S.C. § 3161 is
19 warranted and that the ends of justice served by the continuance outweigh the best interests of
20 the public and the defendant in a speedy trial. Denying the requested exclusion of time would
21 deprive the defendant effective preparation of counsel, taking into account the exercise of due
22 diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

23
24 IT IS SO ORDERED.

25
26 DATED: February 4, 2016.

27 
THE HONORABLE WILLIAM ALSUP
United States District Judge